

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

GORDON TANNER,)	
)	
Plaintiff/Counter-Defendant,)	
)	
v.)	Civil Action No.
)	2:13-cv-00021
AMERICAN BONDHOLDERS FOUNDATION, LLC)	
AND JONNA Z. BIANCO,)	
)	
Defendants/Counter-Plaintiffs/)	
Third-Party Plaintiffs.)	
)	
v.)	
)	
CAPITAL BOND ASSOCIATES, LLC; THOMAS)	
J. NEAVITT; SHELLEY STEPANEK; ROBERT)	
MACMAHON; MARY E. COLLINS; LEON)	
MEYBERG; MICHAEL MCGILL; TRACY MCGILL;)	
SEAN CLAGGETT; CHRISTOPHER LAKE;)	
DIANE LAKE; GIBBONS FAMILY TRUST (EARL)	
& JOAN); EARL GIBBONS; SHELINA KANJI)	
; JAMES MACPHERSON; DR. BRAD BRITTON;)	
DONALD COPELAND BRITTON; LORETTA SUE)	
BRITTON; THOMAS WINKLER; FRANK J.)	
STODDARD; WAYNE WALL;)	
CHAD REGISTER; JIMMY MCCLELLAND;)	
PATRICK BALLARD; STEPHEN E. FOWERAKER;)	
JULIE C. HEAD AKA JULIE C. DONLON AKA)	
JULIA C.DONLON TRUST; CHIP BACHTELL;)	
CORY REGISTER; KELLI REGISTER; PETER)	
CHEUNG; HANNAH CHEUNG; JERRY KLAIBER;)	
MR. & MRS. GREESKOWIAK; MICHAEL STAKE;)	
CHARLES T. MITCHELL; MERISSA KIMBALL)	
CAPLAN; RICHARD THOMAS HILL; DANIEL)	
HAUSSMAN FARGAS, MICHAEL SHEAHAN;)	
ARTHUR PATTERSON; MARY E. COLLINS TRUST;)	
JOHN DOE INVESTORS (1-500) OF CAPITAL)	
BONDS ASSOCIATES, LLC; JANE DOE)	
INVESTORS (1-500) OF CAPITAL BONDS)	
ASSOCIATES, LLC)	
)	
Third-Party Defendants.)	

**THIRD-PARTY COMPLAINT FOR INTERPLEADER
AND DECLARATORY RELIEF**

For complaint, pursuant to Fed. R. Civ. P. 22, Jonna Bianco and American Bondholders Foundation, LLC, the Third-Party Plaintiffs, show as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1332, 1335, 1397, and 2361.
2. The amount in controversy exceeds \$75,000.00 USD.
3. The Third-Party Plaintiffs are Jonna Z. Bianco (hereinafter “Bianco”), an individual resident of Tennessee, and American Bondholders Foundation, LLC (hereinafter “ABF”), a Delaware limited liability corporation registered in Tennessee. Its principal office is located at 2840 Glasscock Road, Lewisburg, TN 37091. Its agent for service of process is Jonna Z. Bianco.
4. The Plaintiff/Counter-Defendant, Gordon Tanner (hereinafter “Tanner”), is already a party to this suit, having instituted an originating cause of action for the return of bonds against the Third-Party Plaintiffs on or about March 13, 2013.
5. The Third-Party Defendant, Capital Bond Associates, LLC (hereinafter “CBA, LLC”) is a limited liability corporation organized under the laws of the State of Nevada. It has an address at 1665 S. Mojave Road, Las Vegas, NV 89104. Its agent for service of process is Thomas J. Neavitt:

P.O. Box 43412
Las Vegas, NV 89116

1665 S. Mohave Rd.
Las Vegas, NV 89104

6. The Third-Party Defendant, Thomas J. Neavitt, is an individual who resides in the State of Nevada, and is the Managing Partner and Registered Agent of CBA, LLC:

2619 Jacyra Ave
Las Vegas, NV 89121

7. The Third-Party Defendant, Shelley Stepanek, is an individual who resides in the State of Nevada, and is the managing member of CBA, LLC:

4710 Hondo Ct.
Las Vegas, NV 89121

8. The Third-Party Defendant, Robert MacMahon, is an individual who resides in the State of California, and is member of CBA, LLC:

2393 Via Mariposa W. #2 B
Laguna Woods, CA 92637

9. The Third-Party Defendant, Mary E. Collins, is an individual who resides in the State of Nevada, and is a member of CBA, LLC. Mary E. Collins also represents that she is the Trustee of the Mary E. Collins Trust using the same address as her residence:

4044 Cape Sand Drive
Las Vegas, NV 89101

10. The Third-Party Defendant, Leon Meyberg, is an individual (now deceased) who resided in the State of California, and was a member and an authorized representative of CBA, LLC:

357 S. Curson Avenue, #3-J
Los Angeles, CA 90036

11. The Third-Party Defendant, Michael McGill, is an individual who has sold his own personal bonds registered in the ABF, LLC to other third parties including, but not limited to Plaintiff Gordon Tanner and has also transferred bonds and share certificates as an authorized representative and signatory for CBA, LLC. Michael McGill also created his own program of re-

selling shares in bonds, instead of bonds identified by serial number, or revenues from any bond settlement from the ABF with a partner named Arthur Patterson who was a reseller of revenues or shares of some 41 bonds owned by Michael McGill. **[DE 81-4, Pages 95-102]**. Michael McGill resides in the State of Texas:

14442 Contour Place
Helotes, TX 78023

12. The Third-Party Defendant, Tracy McGill Trust is a trust allegedly created by Michael McGill, which may have a situs in the State of Texas:

14442 Contour Place
Helotes, TX 78023

13. The Third-Party Defendants, Jon and Cari Hulsey reportedly purchased bonds from Michael McGill through Plaintiff Gordon Tanner. Jon and Cari Hulsey are individuals who reside in the State of California:

10506 Dorchester St.
Bakersfield, CA 93311

14. The Third-Party Defendant, Sean Claggett, is an individual who resides in the State of Nevada, is counsel for Third-Party Defendant Thomas J. Neavitt, and Michael McGill and reportedly is a member of CBA, LLC:

9910 W. Cheyenne Ave., Ste. 110
Las Vegas, NV 89129

15. The Third-Party Defendant, Christopher Lake, is an individual who purchased bonds from Michael McGill. Christopher Lake resides in the State of California:

2117 Hardwood St
Bakersfield, CA 93311

16. The Third-Party Defendant, Diane Lake, is an individual who purchased bonds from Michael McGill through Tanner. Diane Lake resides in the State of California:

1200 Tam O' Shanter
Bakersfield, CA 93309

17. The Third-Party Defendant, Gibbons Family Trust, is a trust that purchased bonds from Michael McGill through Plaintiff Gordon Tanner. Earl and Joan Gibbons are the Trustees of the Gibbons Family Trust. Earl and Joan Gibbons reside in the state of California:

4227 Poso Flat Rd.
Bakersfield, CA 93308

1053 Tam O' Shanter
Bakersfield, CA 93309
661-835-8332

18. The Third-Party Defendant, Earl Gibbons, is an individual who purchased bonds from Michael McGill through Plaintiff Gordon Tanner. Earl Gibbons informed ABF he paid in excess of eighty five thousand dollars (\$85,000) to Michael McGill. Earl Gibbons resides in the State of California:

4227 Poso Flat Rd.
Bakersfield, CA 93308

1053 Tam O' Shanter
Bakersfield, CA 93309
661-835-8332

19. The Third-Party Defendant, Shelina Kanji, is an individual who resides in the State of Nevada, is a reportedly member of CBA, LLC, and is an authorized representative of CBA, LLC to solicit buyers for member shares in CBA, LLC.:

3120 Venture Dr.
Las Vegas, NV 89101
559-799-5533 home
702-312-6124 work

20. The Third-Party Defendant, James MacPherson, is an individual who purchased in excess of one hundred thousand dollars (“100,000) of member shares in CBA, LLC from Thomas J. Neavitt and Leon Meyburg. James MacPherson resides in the State of California:

866 South Tremaine Ave.
Los Angeles, CA 90005

21. The Third-Party Defendant, Dr. Brad Britton, is an individual who purchased more than two hundred thousand dollars (\$200,000) of member shares in CBA, LLC and who also purchased bonds from Michael McGill paying to Michael McGill in excess of three hundred fifty thousand dollars (\$350,000). Dr. Brad Britton resides in the State of Oklahoma:

13621 Tanglewood Road
Edmond, OK 73013

22. The Third-Party Defendant, Donald Copeland Britton, is an individual who resides in the State of Oklahoma, who purchased bonds from Michael McGill and also purchased membership share certificates from CBA, LLC.

1012 Terrace Drive
P.O. Box 558
Weatherford, OK 73096

23. The Third-Party Defendant, Loretta Sue Britton, is an individual who resides in the State of Oklahoma, and is an investor who purchased bonds from Michael McGill and also purchased membership shares in CBA, LLC.

1012 Terrace Drive
P.O. Box 558
Weatherford, OK 73096

24. The Third-Party Defendant, Thomas Winkler, is an individual who resides in the State of Texas, and is an investor who purchased bonds from Michael McGill and membership shares in CBA, LLC.

222 West Muirfield Road
Garland, TX 75044

25. The Third-Party Defendant, Frank J. Stoddard is an individual who resides in the State of California. Frank J. Stoddard purchased membership shares in CBA, LLC.

17441 Mira Loma Circle
Huntington Beach, CA 92647

26. The Third-Party Defendant, Wayne Wall, is an individual who resides in the State of Massachusetts, reportedly has membership shares in CBA, LLC and is an authorized representative of CBA, LLC soliciting others to invest in membership shares of CBA, LLC.

c/o Flimp Media
2 Hayden Rowe
Hopkinton, MA 01748

27. The Third-Party Defendant, Chad Register, is an individual whose residence is in the state of Arkansas. Chad Register along with his mother and other family members invested more than three hundred fifty thousand dollars (\$350,000) in membership shares of CBA, LLC through CBA's LLC's authorized representatives Leon Meyburg, Jimmy McClelland and Shelina Kanji.

King Benson, Attorney
Benson Law Firm, PA
1005 Linwood Drive
Paragould, Arkansas 72450
Email: king@bensonlaw.net
Email: chadreg@gmail.com

28. The Third-Party Defendant, Jimmy McClelland, is an individual who resides in the State of California, is reportedly an owner of member shares in CBA, LLC and is a "broker-representative" for CBA, LLC.

1241 Granville Ave. #3
Los Angeles, CA 90025
mcclellandvinny@yahoo.com

29. The Third-Party Defendant, Patrick Ballard, is an individual who resides in the State of Arkansas. Patrick Ballard purchased membership share certificates from CBA, LLC through its authorized representative Jimmy McClelland.

4307 Glen Echo Drive
Paragould, AR 72450
(870)476-1142
pmballard2@gmail.com

30. The Third-Party Defendant, Stephen E. Foweraker, is an individual who resides in the State of California. Stephen E. Foweraker purchased membership shares in CBA, LLC.

10815 Hesby Street #107
North Hollywood, CA 91601-4693

31. The Third-Party Defendant, Julie C. Head aka Julie C. Donlon aka Julia C. Donlon Trust, is an individual and a trust whose residence is unknown, and is reportedly an investor in membership shares of CBA, LLC:

Email: jchead@cox.net

32. The Third-Party Defendant, Chip Bachtell, is an individual whose residence is unknown, and is reportedly an investor in membership shares of in CBA, LLC.

Email: cbachtell8@yahoo.com

33. The Third-Party Defendant, Cory Register, is an individual whose residence is unknown, and is reportedly an investor in membership shares of CBA. LLC.

Email: admin@semodrug.com

34. The Third-Party Defendant, Kelli Register, is an individual whose residence is unknown, and is reportedly an investor in membership shares of CBA, LLC.

Email: kelli_register@hotmail.com

35. The Third-Party Defendant, Peter Cheung, is an individual whose residence is unknown, and is reportedly an investor in membership shares of CBA, LLC.

36. The Third-Party Defendant, Hannah Cheung, is an individual whose residence is unknown, and is reportedly an investor in membership shares of CBA, LLC.

37. The Third-Party Defendant, Jerry Klaiber, is an individual whose residence is unknown, and is reportedly an investor in membership shares of CBA, LLC.

38. The Third-Party Defendants, Mr. & Mrs. Greeskowiak, are individuals whose residences are unknown, and are reportedly investors in membership shares of CBA, LLC.

39. The Third-Party Defendant, Michael Stake, is an individual whose residence is unknown, and is an investor in membership shares of CBA, LLC.

40. The Third-Party Defendant, Charles T. Mitchell, is an individual whose residence is unknown, and is reportedly an investor in membership shares of CBA, LLC.

41. The Third Party Defendant, Michael Sheahan, is an individual who resides in New Jersey. Michael Sheahan purchased revenues from bond owned by Michael McGill s without identifying serial numbers, through Arthur Patterson acting in concert with Michael McGill in a similar program to CBA, LLC. **[DE 81-4, Pages 95-97]**. Michael Sheahan resides at:

43 Beekman Avenue
Colonia, New Jersey 07067

42. The Third Party Defendant, Arthur Patterson, is an individual whose residence is in the state of New Jersey. Arthur Patterson acting in concert in Michael McGill sold bonds and or revenue shares from bonds (similar to the CBA, LLC scheme) to individuals claiming those bonds were in the ABF. Arthur Patterson resides at:

8 Fellswood Way

Holmdel, New Jersey 07733

43. The Third-Party Defendant, Merissa Kimball Caplan, is an individual, whose bonds **[DE 81-2, Page 2]** were submitted to this court on July 17, 2014 in compliance with the Court's Order, however, Mrs. Caplan is in good standing with the ABF. Merissa Kimball Caplan's bonds were submitted due to errors including these previously sold bond numbers purportedly assigned by Michael McGill to Plaintiff Gordon Tanner. Corrections by Michael McGill were later made to amend those bond numbers; however, the Court order requiring deposit referenced the erroneous original complaint of Plaintiff Gordon Tanner. Merissa Kimball Caplan resides at:

20580 Natoma Estates Drive
Woodland Hills, CA 91364

44. The Third-Party Defendant, Richard Thomas Hill, is an individual, whose bonds were submitted to this court on July 17, 2014 in compliance with the Court's Order, however, Mr. Hill is in good standing with the ABF. Richard Thomas Hill's bonds **[DE 81-2, Page 2]** were submitted due to errors including these previously sold bond numbers by Michael McGill in his purported assignment to Plaintiff Gordon Tanner . Corrections by Michael McGill were later made to amend those bond numbers; however, the Court order requiring deposit referenced the erroneous original complaint of Plaintiff Gordon Tanner. Richard Thomas Hill resides at:

1962 John R. Hill Road
Lewisburg, TN 37091

45. The Third-Party Defendant, Daniel Haussman Fargas, is an individual, whose bonds **[DE 81-2, Pages 3-4]** were submitted to this court on July 17, 2014 in compliance with the Court's Order, however, Daniel Haussman Fargas is in good standing with the ABF. Mr. Fargas' bonds were submitted due to errors including these previously sold bond numbers by

Michael McGill in his purported assignment to Plaintiff Gordon Tanner. Corrections by Michael McGill were made to amend those bond numbers; however, the Court order requiring deposit referenced the erroneous original complaint of Plaintiff Gordon Tanner. Daniel Haussman Fargas resides at:

Paseo De Las Masias
51 Λ¹ 3^a
Barcelona, Spain

46. The Third-Party Defendants, Jane Doe Investors (1-500) of CBA, LLC are unknown investors in the membership shares of CBA, LLC:

Addresses unknown

47. The Third-Party Defendants, John Doe Investors (1-500) of CBA, LLC are unknown investors in the membership shares of CBA, LLC:

Addresses unknown

48. This matter has been pending since March 13, 2013. On or about March 13, 2013, Tanner filed a lawsuit against the Third-Party Plaintiffs, claiming a possessory interest in, and seeking a return of bearer bonds originally held by ABF and Jonna Bianco; pursuant to Agreements and Grant of Power-of-Attorney among Bianco and ABF (“ABF Agreement(s)”), Tanner and some of the Third-Party Defendants, permit ABF to engage in actions and negotiations to realize on the defaulted bonds in exchange for an interest in the bonds calculated as percentage of the amount realized from their exchange or redemption.

49. Tanner also claims an interest in additional bearer bonds purchased by assignment from Third-Party Defendants, Thomas J. Neavitt and Mike McGill, without the knowledge of the Third-Party Plaintiffs, and without complying with the transfer procedures, required by and in

direct breach of the terms and conditions of the ABF Agreements.¹ Since ABF retains possession, Third-Party Plaintiffs contend that nothing Tanner or Third-Party Defendants did by agreement without ABF consent and transferring possession effected any change in title to the bonds under the ABF Agreements. These are bearer bonds that at all times were held by ABF or the Court.

50. Pursuant to an Order **[DE 72]** of July 8, 2014, requiring Third-Party Plaintiffs to submit all bonds identified by Tanner in his original Complaint to the custody of the Court, ABF tendered 502 bearer bonds at issue, into the registry of the Court. Eleven (11) of these bonds were purchased directly from the ABF. Four hundred (400) of these bonds were purchased from Thomas J. Neavitt, a/k/a Managing Partner for CBA, LLC. Thirty-five (35) of those bonds were incorrectly identified in the Complaint as owned by Tanner, but were previously transferred to three (3) other innocent third parties as subsequently admitted by Michael McGill. Subtracting those thirty-five (35) bonds from those claimed by Tanner in the Complaint leaves only 467 bonds to which Tanner asserts ownership. Nevertheless, to comply with the Court order that all bonds in the Complaint be placed on deposit, ABF tendered a total of five-hundred two (502) bonds, 35 of which all parties agree are owned by innocent third parties. Those third-party owners were notified by ABF as Third-Party Defendants of the error and that their bonds are in the registry of the Court.

51. Previous pleadings and declarations submitted by Third-Party Plaintiffs have shown that efforts to transfer or encumber the bearer bonds (in violation of the terms and conditions of the ABF Agreements) were made by a number of the known Third-Party Defendants, and often times with duplicate transfers or encumbrances occurring on the same

¹ All ABF agreements require that “Bondholder shall not assign, give away or transfer or grant any security interest in the Bonds to any person or entity unless such assignee, donee, transferee or lienholder shall first acknowledge the existence of this Agreement and agree in writing to be bound by it.”

serial numbers without the knowledge or consent of the ABF. Declarations from Bianco filed with the Court on April 6, 2014, and May 19, 2014, as well as the Fourth Declaration of Jonna Z. Bianco, **[DE 81-1]**, setting forth a second deposit of one thousand eight hundred sixteen (1816) bonds, contain correspondence and documentation asserting:

(a) An anticipatory breach of the ABF Agreement wherein Tanner declined to follow ABF procedures requiring him to furnish evidence of his authority to effect transfers of his bonds or those in the names of his friends, family members or their trusts, or even refusing delivery offered by ABF of documents required for a return of the bonds clearly titled in his name **[DE 81-4, Page 2]**;

(b) Tanner executed a loan agreement with Thomas J. Neavitt wherein, without notice to ABF, and in breach of the ABF Agreement, he purported to encumber certain of the bonds to which Tanner has asserted a claim in this action **[DE 81-4, Page 11]**.

(c) Except for the eleven (11) bonds purchased directly from ABF, all the bonds purportedly owned by Tanner and Third-Party Defendants, Michael McGill and Thomas Neavitt, were implicated in subsequent agreements, promoted by them as managing members or authorized representatives of Third-Party Defendant CBA, LLC. **[DE 81-4]** Pursuant to that CBA, LLC agreement, which itself is a breach of the ABF Agreements, the Tanner, McGill and Neavitt bonds, as well as those of managing member, Shelley Stepanek, and investor members Robert MacMahon and Mary E. Collins, as well as an unknown number of additional bonds, were assigned for hundreds of thousands of dollars of consideration, to various other third parties. These third parties then reassigned and encumbered these bonds as their capital contribution to CBA, LLC. These Third-Party Defendants engaged in this trading activity without the knowledge or consent of Third-

Party Plaintiffs, and in breach of the ABF Agreements, but utilizing information from the ABF confidential private placement memorandum,, and the materials, information about congressional or other actions taken with respect to the bonds achieved by ABF and distributed in ABF updates. All investors into CBA, LLC, including those known and the John Doe and Jane Doe Investors, were told by CBA, LLC, its managing partners or managing members and authorized brokers and representatives, to never contact ABF, as the same could hinder its lobbying efforts to finally realize on the bonds. After communication became sparse, isolated and non-existent with Thomas J. Neavitt, Michael McGill, and other initiating principals or representatives/agents of CBA, LLC, some of the Third-Party Defendant investors have contacted ABF, believing they had a claim to the ownership of the bonds. See **[DE 81-4]**. Those investors and members of CBA, LLC known to Bianco and ABF are named and identified as Third-Party Defendants, and those yet unknown are designated as John or Jane Doe Third Party Defendants No. 1-500.

52. On information and belief, based upon pleadings, correspondence and documentation before the Court, Tanner and each of the known Third-Party Defendants: CBA, LLC; Thomas J. Neavitt; Shelley Stepanek; Robert MacMahon; Mary E. Collins; Leon Meyberg; Michael McGill; Tracy McGill; Sean Claggett; Christopher Lake; Diane Lake; the Gibbons Family Trust (Earl & Joan); Shelina Kanji, and others named in the style of this cause of action, claim or may claim an interest in the same bearer bonds (held by the Defendants and the Court). Each of them may claim ownership of the bonds and entitlement to receive payment from the proceeds of any recognition or exchange achieved by ABF. Each of the parties is subject to similar ABF Agreements, which include the Third-Party Plaintiffs' right to terminate those

agreements at any time.

53. Each of Tanner and known Third-Party Defendants identified as current bondholders by ABF holding the two thousand three hundred eighteen (2318) bonds identified in **[DE 81-3]**, receiving membership share certificates purportedly encumbering bonds held by ABF, are parties to similar ABF Agreements. Those ABF Agreements are at **[DE 81-5]**, which include a right of termination, pursuant to paragraph “6. Term,” for any reason. Accordingly, ABF has provided written notice, including a copy of this Complaint, to Tanner and these Third-Party Defendants. That notice by Third-Party Plaintiffs terminates, and effectively and forever removes these Third-Party Defendants (who previously had a direct Agreement with the Third-Party Plaintiffs) and Tanner from any participation as a member under the ABF Agreements.

54. In further breach of the ABF Agreements, CBA, LLC attempted to encumber the bearer bonds held by ABF, and possibly by the Court, by issuing membership share certificates in CBA, LLC, without the consent of ABF. Based upon reports, correspondence and documents from those investors, CBA, LLC, and its other managing members named in its LLC Agreement: Michael McGill, Leon Meyburg, Shelina Kanji, Jimmy McClelland, Wayne Wall and several others as authorized brokers or representatives, marketed and promoted the membership share certificates to encumber bearer bonds held by ABF and the Court. See **[DE 81-4]**. As part of the terms of the CBA, LLC agreement, CBA, LLC acknowledged that ABF held possession of the bearer bonds, but the named and known investors with CBA, LLC received certificates purportedly documenting their interest in the bonds as managing members, and encumbering bonds held by ABF.

55. In further breach of the ABF Agreements, Michael McGill and Arthur Patterson attempted to encumber the bearer bonds held by the ABF and possibly by the Court, by

attempting to issue bonds and or revenue shares to Third Party Defendants, in particular Michael Sheahan and unknown other Third Party Defendants similar to the CBA, LLC. See **[DE 81-4]**

56. The refusal of Tanner and Third-Party Defendants to cooperate with Third-Party Plaintiffs to provide documents necessary to determine ownership of the original bonds at issue, or the additional one thousand eight hundred sixteen (1816) bonds that may have been assigned pursuant to the agreements with CBA, LLC and the pendency of the original Complaint, leaves Third-Party Plaintiffs no other option but to tender all the bonds set forth on **[DE 81-3]** (not already submitted to the Court) and known by Third-Party Plaintiffs, including the Tanner family members or trusts, for which it cannot secure proof of ownership, or which are implicated in the transfers of Third-Party Defendants, into the registry of the Court;

57. Third-Party Defendant CBA, LLC may have a claim to any or all the bonds as its capital investment, and its investors, including those known and named as well as the unknown Jane and John Doe investors, may have a claim to the bonds by virtue of their rights under the CBA, LLC Agreement as owners of its membership shares.

58. Additionally, the Third-Party Defendants, Michael McGill and Thomas Neavitt, have individually marketed and sold their bonds to Tanner and potentially other Third-Party Defendants in breach of the ABF Agreements and without the knowledge and consent of the Third-Party Plaintiffs, thereby potentially subjecting the Third-Party Plaintiffs to multiple liability in the absence of Court intervention in determining to whom to transfer physical possession of the bonds, in light of the termination of the ABF Agreements by ABF or otherwise transfer proceeds from bonds realized on by efforts of ABF.

59. By reason of these conflicting claims set forth above, the Third-Party Plaintiffs cannot determine which party (Tanner or Third-Party Defendant(s)) is entitled to be paid from

the proceeds from the bearer bonds once they are finally realized. Likewise, the Third-Party Plaintiffs cannot determine which party (Tanner or Third-Party Defendant(s)) to physically transfer the bearer bonds to or any proceeds from an exchange or redemption of the bonds, thereby rendering future performance of obligations under the ABF Agreement impossible.

60. Third-Party Plaintiffs seek to return physical possession of the Chinese Bonds to Tanner and the Third-Party Defendants, all of whom may have claims to the same Chinese Bonds. These multiple breaches of the ABF Agreements by Tanner and Third-Party Defendants, subjecting the Third-Party Plaintiffs to double or triple potential liability as contemplated by Fed. R. Civ. P. 22 and 28 U.S.C. §§ 1335, 1397 and 2361, since, in the absence of a ruling from the Court determining which parties are the rightful owners, Third-Party Plaintiffs are incapable of returning the bonds to the rightful owner.

WHEREFORE, Third-Party Plaintiffs demand that the Court adjudge:

1. That process issue and be served upon the Third-Party Defendants, requiring them to appear, interplead and make claim to the bonds at issue.

2. That none of the parties are entitled to recover from the Third-Party Plaintiffs for breach of the ABF Agreements, because ABF is unable to distribute the bonds to the rightful owner in the absence of a ruling from this Court.

3. That upon placement of all Chinese bonds held by the Third-Party Plaintiffs (pursuant to the ABF Agreements for and on behalf of Tanner and the Third-Party Defendants) into the registry of the Court, that the Third-Party Plaintiffs be discharged from all liability in the premises, dismissal of all claims against the Third-Party Plaintiffs, and declaration that the relationship of the Third-Party Plaintiffs with Tanner and the Third-Party Defendants is forever severed.

5. Those Third-Party Plaintiffs recover their costs and disbursements.
6. For such other general relief that may be ordered by the Court.

Respectfully Submitted,

/s/ J. Thomas Smith
J. Thomas Smith (No. 3613)
2020 Fieldstone Parkway
Suite 900-264
Franklin, Tennessee 37069
(615) 790-2150
jthomasmith@gmail.com

/s/ Duncan Cates Cave
Duncan Cates Cave (No. 26235)
230 4th Avenue North, Suite 300S
Nashville, Tennessee 37219
(423) 620-3417
dcavelaw@gmail.com

Attorneys for Defendants/Counter-Plaintiffs/Third-Party Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent on November 5, 2014 to the following via the District Court's electronic filing system:

John L. Farringer, IV (No. 22783)
Lauren Z. Curry (No. 30123)
SHERRARD & ROE, PLC
150 3rd Avenue South, Suite 1100
Nashville, TN 37201
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/s/ Duncan Cates Cave
Duncan Cates Cave